

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

BARRY KOONCE,

Plaintiff,

v.

**CITY OF TOM BEAN, TEXAS,
and ZACH SMITH,**

Defendants.

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CASE NO. 4:19-CV-428-RWS-KPJ

ORDER

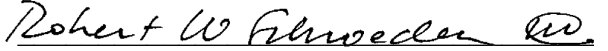
Before the Court is the Magistrate Judge's proposed findings of fact and recommendations (Docket No. 27) that Defendant Zach Smith's Motion to Dismiss (Docket No. 10) and Defendant City of Tom Bean, Texas's Motion to Dismiss (Docket No. 11) be granted.

Having received the Report, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

Accordingly, Smith's Motion to Dismiss (Docket No. 10) and the City's Motion to Dismiss (Docket No. 11) are hereby **GRANTED**, and Plaintiff's claims are **DISMISSED WITH PREJUDICE**.

All relief not previously granted is **DENIED**. The Clerk of Court is directed to **CLOSE** this civil action.

SIGNED this 9th day of March, 2020.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE